

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

**IN RE:
NYDIA M. TORRES BONACIA
DEBTORS**

**CASE NO. 11-07193 MCF
CHAPTER 13**

**INFORMATIVE MOTION ADDRESSING TRUSTEES REMARKS AT 341 MEETING
REPORT AND REPLY TO TRUSTEE'S MOTION TO DISMISS**

TO THE HONORABLE COURT:

COMES NOW, Debtor represented by the undersigned legal counsel and before this Honorable Court most respectfully states and prays:

1. Debtor filed a Chapter 13 petition for relief on August 29, 2011. Docket No. 1. Section 341 meeting of creditors was held on September 28, 2011 where Trustee rendered an unfavorable recommendation. Docket No. 13.

2. In its report of the meeting of creditors, the Trustee entered a recommendation with essentially three (3) remarks, to wit:

(a) Debtor intends to pay the interest of the other co-owners of the property she resides. It appears that the amount awarded to each co-owner as per judgment is the amount listed in Schedule F. On the other hand plan does not contemplate interest on the judgment. Debtor to address interest issue.

b) Since Debtor intends to prefer the co-owners over her unsecured creditor BPPR, plan should state clearly debtor is paying the co-owners interest, not creditors, since they are not creditors.

c) Amend Voluntary Petition to include prior case.

3. On October 21, 2011 Trustee filed a motion requesting dismissal alleging Debtor's failure to: 1) Address interest issue; 2) Amend Plan to Clarify that Debtor is paying co-owners interest; 3) Amend Voluntary Petition¹⁵. Docket No. 15.

4. Debtors hereby address issues raised by Trustee in its report on 341 meeting and in

its motion to dismiss case as follows:

(A) Debtor intends to pay the interest of the other co-owners of the property she resides. It appears that the amount awarded to each co-owner as per judgment is the amount listed in Schedule F. On the other hand plan does not contemplate interest on the judgment. Debtor to address interest issue: Debtor has filed Amended Payment Plan dated October 21, 2011 which contemplates to pay unsecured creditors as per claims filed. See Docket No. 17.

(B) Since Debtor intends to prefer the co-owners over her unsecured creditor BPPR, plan should state clearly debtor is paying the co-owners interest, not creditors, since they are not creditors: Debtor has filed Amended Payment Plan dated October 21, 2011 which contemplates to pay unsecured creditors as per claims filed. See Docket No. 17.

(C) Amend Voluntary Petition to include prior case: Debtor has filed Amended Voluntary Petition at docket number 16.

8. Debtors submit that all issues raised by the Trustee in its 341 meeting report and the motion to dismiss have been addressed as per discussion above and as such requests this Court deny Trustee's motion to dismiss filed at docket entry number 15. This Honorable Court has confirmation hearing set for November 2, 2011 and amended plan dated October 21, 2011 filed at docket entry number 17 complies with all confirmation requirements.

9. Debtor hereby requests the this Honorable Court take note of the above stated.

10. Debtor is engaged in her financial reorganization and has set forth a confirmable payment plan which constitutes her best effort and allows for her financial reorganization.

WHEREFORE, Debtors most respectfully request the Court take note of the above stated regarding Trustee's comments at 341 hearing report and DENY chapter 13 trustee's motion to dismiss filed at docket entry number 15, together with any further relief the Court deems just and

proper.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 24th day of October, 2011.

I HEREBY CERTIFY: that the present motion was filed using the CM/ECF electronic filing system which will automatically notify parties in interest at their registered addresses of record.

LANDRAU RIVERA & ASSOCIATES
Counsel for Debtor
PO Box 270219
San Juan, PR 00927-0219
Tel. (787) 774-0224
Fax. (787) 793-1004

/s/ NOEMI LANDRAU RIVERA
USDC 215510
landraulaw@prtc.net